

REMARKS

This Response is being submitted in response to the Final Office Action mailed February 7, 2006. Claims 1-14 are pending in the Application. Claims 15-20 have been withdrawn. Claims 1-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok (U.S. Pat. No. 5,023,131) in view of Huard et al. (U.S. Pat. No. 6,517,848) or Weisman et al. (U.S. Pat. No. 4,610,678). Claims 1-14 also stand rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (H1732) in view of Kwok (U.S. Pat. No. 5,023,131) and Seal (U.S. Pat. No. 5,041,104).

In response to these rejections, Applicants offer the following remarks. These are fully supported in the specification, drawings, and claims of the Application and no new matter has been added. Based upon the following, reconsideration of the Application and withdrawal of the rejections are respectfully requested.

***Rejection of Claims 1-14 Under 35 U.S.C. 103(a) –
Kwok ‘131 in view of Huard et al. ‘848 or Weisman et al. ‘678:***

Claims 1-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok (U.S. Pat. No. 5,023,131) in view of Huard et al. (U.S. Pat. No. 6,517,848) or Weisman et al. (U.S. Pat. No. 4,610,678).

The Applicants are skeptical that Kwok is concerned with the same field of endeavor as the current invention. Kwok discloses batts that are “useful for fiberfill, insulation, padding, resilient cushioning, and the like.” The Applicants’ current invention is instead concerned with a “composition useful as an absorbent core in diapers, incontinent pads, sanitary napkins, and other absorbent pads needed for bodily fluids.”

The Applicants further point out that Kwok does not disclose the use of bicomponent fibers.

Bicomponent fiber (or conjugate fiber) is comprised of two polymers of different chemical and / or physical properties extruded from the same spinneret with both polymers present within the same filament. It is distinct in that the two polymers have separate physical properties, including two separate melting points. Consistent with this definition, the Applicants define bicomponent fibers on page 7 of the Application as filed as having both "a low melting portion and a high melting portion."

A copolymer, however, is a polymer formed when two (or more) different types of monomer have uniformly reacted in the same polymer chain, as opposed to a homopolymer where only one monomer is used. A copolymer is a single species. The physical properties of the copolymer is generally a weighted average of the properties of the constituent monomers. A copolymer would therefore have only one melting point.

Kwok discusses binding cotton staple fibers with a copolymer to produce a fibrous batt. In column 1, lines 58-62, Kwok states that "[t]he present invention provides... 15-25 weight percent ethylene terephthalate/isophthalate copolyester comprising 60-80 mole percent terephthalate and 20-40 mole percent isophthalate and having a melting point of about 230° to 340° F."

What Kwok discloses is a low melt binder fiber. That binder fiber happens to be a copolymer. However, there is no disclosure of a bicomponent fiber; there is no discussion of a high melt/low melt which would be indicative of a bicomponent fiber.

Again, Kwok describes the copolymer in column 2, lines 20-31. "The copolyester preferred for use in the practice of this invention is a copolyester made from a mole-for-mole condensation of ethylene glycol and a combination of terephthalic and isophthalic acids. For such a copolyester having a terephthalate/isophthalate mole ratio of 70/30, it has a melting point of about 288° F and a stick point of about 194° F. Fibers made from this copolyester serve as thermal binder fibers and must exhibit melting points below the temperature at which cotton is discolored and must, also, exhibit a melt adhesion to cotton staple."

Again, Kwok is describing the production of a copolymer (here, a copolyester). He takes two species, terephthalic and isophthalic acid, and condenses them with ethylene glycol to form the terephthalate/isophthalate copolyester.

Assuming *arguendo* that Kwok was forming a bicomponent, these condensation reactions would occur separately from one another, and then the separate melts would be combined and extruded into a single filament where the 2 components are positioned next to one another but are in distinct areas of the filament. However, this is not the case. Despite the Examiner's assertion otherwise, Kwok neither discloses, suggests, hints, or implies the use of a bicomponent fiber.

The Examiner relies on this mistaken bicomponent/copolymer synonym throughout the Office Action. Therefore, every one of the Examiner's rejections is without merit. As pointed out, a copolymer is simply not a bicomponent fiber as defined in industry and by the Applicants. In light of this, Applicants respectfully suggest that each of the Examiner's rejections is moot.

***Rejection of Claims 1-14 Under 35 U.S.C. 103(a) –
Johnson H1732 in view of Kwok '131 and Seal '104:***

Claims 1-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (H1732) in view of Kwok (U.S. Pat. No. 5,023,131) and Seal (U.S. Pat. No. 5,041,104).

The Examiner admits that Johnson H1732 is silent as to whether thermoplastic binder fibers are monocomponent or bicomponent fibers. However, the Examiner concludes that it would be "obvious in the art to form an absorbent core of Johnson where bi-component binder fibers are used as such is well known in the art as exemplified in the teachings of Kwok."

As thoroughly explained above, Kwok '131 neither discloses, suggests, hints nor implies the use of a bicomponent fiber. What Kwok discloses is a low melt binder fiber. That binder fiber happens to be a copolymer. The Examiner relies on this mistaken bicomponent/copolymer dichotomy to make the current rejection. However, since copolymer and bicomponent are not synonymous, this rejection is also without merit. In light of this Applicants respectfully suggest that each of the Examiner's rejections is moot.

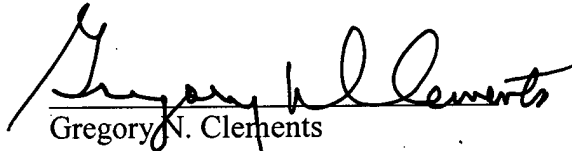
Seal '104 does not overcome this deficiency of the disclosure relating to binder fibers.

CONCLUSION

In light of the comments presented herewith, the Applicants submit that the current claims are not obvious, and allowance is therefore appropriate. Should the Examiner determine that any further action is necessary to place the Application in condition for allowance, the Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, the Examiner is encouraged to notify undersigned Counsel at the Examiner's earliest convenience.

Respectfully submitted,

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